

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:07CV79
v.)	
)	
LOTS 32 AND 33, LINDEN ESTATES, A)	ORDER
SUBDIVISION AS SURVEYED, PLATTED)	
AND RECORDED IN DOUGLAS COUNTY,)	
NEBRASKA, AND LOT 2, LINDEN ESTATES)	
REPLAT 5, A SUBDIVISION, AS SURVEYED,)	
PLATTED AND RECORDED, IN DOUGLAS)	
COUNTY, NEBRASKA, LOCALLY KNOWN)	
AS 1201 NORTH 138TH CIRCLE, AND 1225)	
NORTH 138TH CIRCLE, OMAHA, NEBRASKA)	
and)	
ONE 2003 CADILLAC ESCALADE, VIN)	
1GYEK63N93R253497,)	
)	
Defendants.)	

NOW ON THIS 14th day of October, 2008, this matter comes on before the Court upon the Stipulation of the parties (Filing No. 62). The Court reviews the file and the Stipulation, and, being duly advised on the premises, finds as follows:

1. The United States, Wells Fargo and Claimants have agreed to seek the Court's authority to dismiss each of the defendant real properties as described above from this action. The United States agrees the dismissal of the defendant real properties as described above herein should be with prejudice as to any of the Claimant's actions or conduct as alleged in the Verified Complaint filed herein. In return, Claimants agree they will not seek reimbursement for any costs or attorney's fees they have incurred defending this civil forfeiture action up to the date of the Stipulation.

2. Neither the United States, Wells Fargo, nor Claimants admit any fact or any liability by entering into the Stipulation. This Stipulation shall in no way be deemed an

admission of Claimants culpability, liability or guilt, and shall in no way constitute a reflection upon the merits of any matter which has been asserted, which may have been asserted, or which may be asserted in the prosecution or defense of this action.

3. The United States will immediately take action to release the *Lis Pendens* it has filed against each of the Defendant real properties.

4. The style of the lawsuit should be changed to reflect the 2003 Cadillac Escalade as the only Defendant property.

5. The parties' Stipulation should be approved.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

- A. The parties' Stipulation is hereby approved.
- B. The style of the lawsuit is changed to reflect the 2003 Cadillac Escalade as the only Defendant property.
- C. The dismissal is made with prejudice as to any of the Claimant's actions or conduct as alleged in the Verified Complaint filed herein.
- D. The parties will not seek reimbursement for any costs or attorneys fees they have incurred up to the date of the Stipulation.
- E. The United States will immediately release the *Lis Pendens* it has filed against each of the Defendant real properties.

BY THE COURT:

s/ Joseph F. Bataillon

Joseph F. Bataillon
Chief District Judge

Prepared and submitted by:

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Approved as to form and content:

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NORTH 138TH CIRCLE, OMAHA, NEBRASKA
and ONE 2003 CADILLAC ESCALADE, VIN
1GYEK63N93R253497, Defendants,

WELLS FARGO BANK, Claimant

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MEHNER, ANTHONY MEHNER,
DANIELLE MEHNER, MARK MEHNER
and JOHN PROSOSKI, Claimants

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